

Serial No. 10/687,974
Amendment dated April 14, 2005
In Reply of Office Action dated December 14, 2004

REMARKS

The Office Action dated December 14, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration and allowance are respectfully requested.

Examiner Soohoo is thanked for the courtesies extended undersigned counsel during the personal interview of March 22, 2005.

During that interview, Applicant's representative pointed out the manner in which U.S. Patent No. 6,550,362 to Galinat et al., U.S. Patent No. 5,807,458 to Sanders et al., U.S. Patent No. 4,798,508 to Lewis, and U.S. Patent No. 1,196,531 to Robb would have failed to teach or suggest Applicant's claimed invention to a person having ordinary skill in the art,.

No model of the invention was shown.

Applicant's counsel pointed out that none of the prior art, whether considered singly, or in combination, would have taught or suggested Applicant's novel chain packing in which the sacks of the chain packing were joined to each other, the sacks of the

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chain packing were cut open above the mixing silo, and the cut open chain packing was conveyed away.

To reduce the number of issues, and in an effort to place the application in condition for allowance, it was agreed that Applicant would even more particularly claim the invention.

No agreement as to patentability was reached.

Applicant's co-pending application no. 10/687,973 to Dewinter was discussed.

To reduce the number of issues, it was agreed that the article claims 14-19 directed to the chain packing *per se* would be cancelled in this application.

As to the December 14, 2004 Office Action, please note the following.

To further reduce the number of issues, Applicant has cancelled method claims 1-7, and 9, chain packing claims 14-19, and method claims 20 and 21.

Method claims 8 and 10-13 remain in the application.

Amended independent claim 8 defines over each of the prior art references of record whether considered singly or in combination.

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First, there would have been no motivation to a person having ordinary skill in the art to combine the three U.S. references to Galinat et al., Robb et al., and Lewis.

Further, assuming, for the sake of argument, that it would have been obvious to modify the Galinat et al. method in view of the teachings of Robb et al. and Lewis, absent any clear motivation therefor, then Applicant's amended independent claim 8 still would not have resulted.

The proposed combination would have still lacked the particularly claimed features, such as Applicant's sacks not only being cut open, but being conveyed away as the claimed "continuous empty chain packing".

Although Galinat et al. discloses a "web slitting assembly 29" which can be adjusted "to sever either the web 14, or, if so adjusted, to cut the container 13" (see col.7, lines 27-36 of Galinat et al.), Galinat et al. conveys the cut containers so that the severed containers fall "into the mouth of the concrete mixer 22" (see col.7, lines 57-61 of Galinat et al.).

Quite simply, no modification of Galinat et al., nor any modification of the other art of record, would have taught or

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suggested applicant's claimed features of amended independent claim 8.

Still further, none of the art of record would have taught or suggested the novel claimed features of claim 10 in which the reinforcing fibers are arranged in the sacks in a substantially mutually parallel position, in addition to the above.

And, none of the art of record would have taught or suggested the specifics of claims 11, 12, and 13.

In sum, the application is considered to be in condition for allowance with claims 8 and 10-13.

Claim 8 is in independent form.

As to Applicant's co-pending application no. 10/687,973 to Dewinter, please note that that Examiner cited two(2) references in a recent non-final Office Action dated March 14, 2005.

That Examiner cited:

1) U.S. Patent No. 5,224,774 to Valle et al; already of record in this application; and

2) U.S. Patent No. 6,235,108 to Lambrechts, entitled "Steel Fiber for Reinforcement of High-Performance Concrete."

Again, Examiner Soohoo is requested to consider co-pending 10/687,973.

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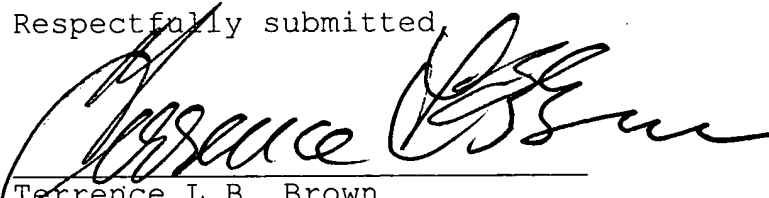
Attached is a check in the amount of \$120.00 for a one-month extension of time (large entity).

It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

Should any outstanding formal matters or other issues remain, Examiner Soohoo is requested to telephone Terrence Brown at (703) 684-5600 to resolve such.

Date: 4/14/05

Respectfully submitted,


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